

Setting Things Straight with Uncle Sam

By Elizabeth Heubeck

IN 2002, DAVID PASSON, A DISABLED VIETNAM veteran living on a fixed income, found himself in a desperate situation. Confronting a mound of medical bills, he sold some stocks to pay down his debt. But in fending off one set of creditors, he unsuspectingly stumbled into a different quagmire.

Six years later, Passon received a \$30,000 bill from the Internal Revenue Service (IRS), which had taxed the earnings of the stocks he had sold. Fortunately, Passon immediately notified his social worker, who referred him to UMLaw's Low Income Taxpayer Clinic.

Enter law student Jonathan Elefant, J.D. candidate 2010. Researching the matter, he determined that the stocks Passon sold had not appreciated enough to warrant the taxes imposed by the IRS. Over the course of nearly three months, Elefant assisted Passon in preparing a new tax return, essentially wiping his financial slate clean.

"I'm so very grateful. Jonathan was marvelous," says Passon, who, prior to going to the clinic, faced not only an insurmountable debt but the IRS's threat to garnish his Social Security wages.

The resolution didn't come easily. "Once the IRS assesses a tax liability, you have to unravel the whole process. We simultaneously negotiate with the IRS to get them to stop collecting against the client while working to determine whether the tax liability is valid," explains visiting law school assistant professor Pamela Chaney, who oversees the clinic.

Under Chaney's guidance, student attorneys provide free tax preparation to low- and moderate-income working families in Baltimore City and represent low-income Maryland residents who have disputes with the IRS. This academic year, the clinic prepared an estimated 175 tax returns and assisted 64 clients in resolving tax issues. Students are expected to average 28 hours of clinic work per week, but Elefant took on an additional caseload.

"I stayed late, I worked Sundays," he says. "Being low-income doesn't entitle people to any less respect or any less dignity than we would give our friends and families. The fact that they're here shows us they're not trying to run away from the issues; they're trying to resolve them."



Working in the Low Income Taxpayer Clinic, Jonathan Elefant '10 helped a client resolve a \$30,000 bill from the IRS.

Clinical Law Program Fills Vital Needs

EACH YEAR, THE STUDENT ATTORNEYS who take part in UMLaw's 26 student law clinics provide free legal services to hundreds of community residents in need, while honing their own legal skills. Brenda Bratton Blom, professor and director of the School of Law's Clinical Law Program, estimates the clinics provide an average of 110,000 hours of service annually—involving 25 faculty and 250 students. "The number of people who need these services grows every year. When you have to choose between lunch and a lawyer, it's an easy decision," Blom says. Accomplishments of Clinic faculty and students in 2008-09 included:

Students in the **Reparations, Reconciliation and Restorative Justice** seminar spearheaded passage of a new state law that requires insurance companies wishing to do business in Maryland to disclose any policies they or their predecessor firms provided to slave owners until 1865;

The **Civil Rights of Persons With Disabilities Clinic** was instrumental in the case of *Shane Feldman, et al., v. Pro Football Inc., et al.*, which determined that under the Americans With Disabilities Act, closed captioning of scoreboard announcements during Washington Redskins games at FedEx Field was not optional but required;

The **Environmental Law Clinic** recorded a number of victories. Students researched and drafted the newly enacted Environmental Standing Bill that gives individuals and associations the ability to challenge state environmental permits, licenses, and Critical Areas variances and other state environmental decisions in state court.

The Waterkeeper Alliance, represented by the Clinic, reached an agreement with the Maryland Department of the Environment (MDE) resolving the Waterkeepers' legal challenge to MDE's general stormwater permit for construction sites. As a result of this agreement, MDE has committed to making significant changes to the way it requires developers to prevent polluted runoff caused when rain washes sediment and other pollutants from these exposed areas.

The **Drug Policy and Public Health Strategies Clinic** worked with the U.S. Department of Justice's Civil Rights Division in negotiations with Baltimore to remedy the City's zoning code's discrimination against licensed residential substance abuse treatment facilities.



Students rehearse the play about Walter Arvinger's life sentence and its commutation that they wrote in the course "Lawyers and Legal Systems and Their Social Context."

Grappling with Ethical Issues— on Stage and Off

By Mike Field

FROM THE OUTSET, THE NEW COURSE "Lawyers and Legal Systems and Their Social Context" was an unusual venture. Part of the LEAD Initiative, supported by the Fetzer Institute, the course asked School of Law students to critically examine common assumptions about the legal system, including its fundamental moral and ethical premises.

"We decided it would make sense to present something to the public. We wanted to show the kinds of legal and ethical issues lawyers face," says professor Michael Millemann, who co-taught the class with Robert Bowie '77, founder of Bowie & Jensen, LLC, and a part-time playwright. Live theater—an art form defined by the maxim "show, don't tell"—proved uniquely well suited to this process, so the duo set out to have their students create an original drama.

Millemann, Bowie, and their students decided to focus on the case of Walter Arvinger, whose case made national news in 2004 when he was released after 36 years behind bars for a murder it is now widely accepted he did not commit. Millemann and students from the School of Law were instrumental in bringing attention to the case and securing his release. The play that resulted is actually a play-within-a-play, showing both the events leading to the false conviction, and the moral and ethical issues students grappled with three decades later as they tried to prove Arvinger's innocence.

The professors initially had expected to cast the show using local actors. "What really surprised me was how

completely the students took control of the effort," says Bowie. "They wanted to act in the roles they created, which was incredible; it really was an added benefit to the class."

The students were not without resources. Professional theatrical leadership was provided by Elliott Rauh, managing director of Baltimore's Single Carrot Theatre, who served as director of the production. His cast of four men and four women "entered into the heart of the law," says Bowie, "by engaging in a process that exposed them to the humanity of law that is usually only learned after the boot camp experience of law school is completed."

The process of researching, writing, discussing, and rehearsing the play—which included classroom visits by Arvinger himself, and from former Governor Robert Ehrlich, who commuted Arvinger's sentence—brought a real immediacy to the idea that lawyers' actions have far-reaching consequences. "I really had to think about what the lawyers did, and that made a big impression upon me," says graduating student Octavia Shulman, who played Arvinger's mother, and the "class clown" in the student scenes. "Everyone was so excited by this. It was so unconventional teaching the law in such a creative way. When the Governor came to school that conversation really scared me to death. What I do or don't do as a lawyer can hugely impact someone's life. It made me feel I really have to know my stuff."

For director Rauh, the whole effort really came together when the play was performed in April before a standing-room-only house of friends, classmates, faculty, and family members of the cast. "There is a moment when the students transform to prisoners in a jail, calling out at Kaplan [Arvinger's attorney]. It was this really wonderful theatrical moment. Basically in four weeks of rehearsal we bonded and had this opportunity to create something together, and it really worked."



Distinguished Visiting Professor Justice Bess Nkabinde delivered the lecture “The Modern Constitution of South Africa: Are the Promises in the Constitution Realizable or a Distant Dream?”

Striving for Constitutional Rights in South Africa

By Jamie Smith

DISTINGUISHED VISITING PROFESSOR Justice Bess Nkabinde, a Justice on the Constitutional Court of South Africa, delivered the lecture “The Modern Constitution of South Africa: Are the Promises in the Constitution Realizable or a Distant Dream?” last October 20.

“The promises are not a dream. South Africans retain their faith in the resilience of their Constitution and the vibrancy of their democracy. Never again will we be subject to the oppression of the past,” said Justice Nkabinde, noting that after the Constitution was adopted, seven million copies in the 11 official languages of South Africa were distributed throughout the country.

Justice Nkabinde was one of several Distinguished Visitors who spent time on campus during the 2008-09 academic year through a program that invites distinguished legal practitioners and academics—from both legal and non-legal disciplines—to join the School of Law community. Other visitors were Martha Bergmark, president and chief executive officer of the Mississippi Center for Justice, and Mary L. Dudziak, the Judge Edward J. and Ruey L. Guirado Professor of Law, History, and Political Science at USC Gould School of Law.

“We must never stop learning from each other. The beauty of the legal profession is that you always have colleagues to confer with. The knowledge I’ve gained from collaborating with my new colleagues at Maryland will help the Constitutional Court of South Africa,” said Justice Nkabinde.

Fellows Program Leads the Way in Alternative Dispute Resolution

FOR THE SECOND CONSECUTIVE YEAR, Maryland leaders participated in the Maryland Public Policy Conflict Resolution Fellows Program. Building upon the success of the inaugural program in 2007, the Fellows engaged in three days of exploration of interest-based negotiation, collaborative governance, and consensus building skills. The second class of Fellows represented a wide variety of Maryland leaders including representatives from the legislature, faith-based community, judiciary, executive, and non-profit sectors who came together to learn from each other and national leaders in the field of public policy dispute resolution.

The Fellows were invited by the program sponsors, the Honorable Robert M. Bell, Chief Judge of the Maryland Court of Appeals; David J. Ramsay, President of the University of Maryland, Baltimore; and former Dean Karen H. Rothenberg.

“As a problem-solving institution, the Judiciary has an interest in advancing collaborative leadership in Maryland,” said the Hon. Benjamin Clyburn, a 2008 Fellow. “I thoroughly enjoyed participating in the Fellows program and used the opportunity to sharpen my own negotiation and collaboration skills with a wonderful group of people.”

—Toby Treem Guerin

The annual Business Law Conference, “The Subprime Meltdown: Causes, Consequences and Solutions” couldn’t have been more timely. On Oct. 3, 2008, as experts from academia, the financial services sector, consumer groups, Capitol Hill, journalism, and regulatory institutions gathered at the Law School to discuss the nation’s economic crisis, Congress passed a \$700 billion bailout. Participants’ skepticism about the plan proved prescient. “A lot of this legislation is highly illusory,” said Michael Greenberger, a professor at the School of Law and director of its Center for Health and Homeland Security, a panelist and moderator of the symposium. “Congress does not have an infrastructure in place to deal with this.” (l-r) *New York Times* Editorial

Board Member Teresa Tritch, Damon A. Silvers, Associate General Counsel for the AFL/CIO, Thomas E. Pérez, Secretary of the Maryland Dept. of Labor, Licensing, and Regulation, and School of Law former Dean Karen H. Rothenberg led a lunchtime discussion of the meltdown’s impact on the country. Visit www.law.umaryland.edu/meltdown for more information.





(l to r): Dr. David Lewis, Brown University, Professor Richard Bonnie, University of Virginia, and School of Law Associate Dean and L&HCP Director Diane Hoffmann.

Drug Policy Pendulum Swinging Back

By Gynene Sullivan

IN THE LATE 1960S AND '70S, POLICY MAKERS endorsed a "reformist approach" toward addiction that emphasized the need to provide treatment therapeutically instead of criminally. However, exploding drug use in the '70s alarmed policy makers and led to the initiation of the "War on Drugs" and a zero-tolerance approach to drug arrest prosecution.

Last November 7, the Law & Health Care Program co-hosted the conference "Obstacles to the Development and Use of Pharmacotherapies for Addiction." In delivering this year's Stuart Rome Lecture, Professor Richard Bonnie, an expert in the fields of mental health and drug law, asserted that the pendulum is swinging back to therapeutic treatment because "it has become increasingly clear that the War on Drugs has caused a great deal of damage at great cost, with little evidence that it has made any impact."

At the conference, lawyers, health care providers, judges, and regulators discussed the obstacles that exist at each stage of medication development and uptake, including challenges for pharmaceutical companies; obstacles relating to clinical trials and the FDA approval process; patient reluctance to use and provider reluctance to screen for, and prescribe, medications to treat addiction; and gaps in insurance coverage for these medications.

Videos of the panel discussions are available at <http://www.law.umaryland.edu/pharma>.

Redefining the Role of Clinical Education

TO COMMEMORATE the 35th anniversary of its founding, the School of Law's pioneering Clinical Law Program spotlighted its mission of integrating theory with practice by hosting the national conference "Curriculum Reform: Linking Theory and Practice" on March 6.

Faculty and deans from leading law schools across the country gathered to discuss best practices for integrating clinical education into law school curricula.

"Clinical legal educators are poised to play an important role in the next developments in the legal academy," said Brenda Bratton Blom, Director of the Clinical Law Program. "This is not a time to just plow ahead as if circumstances were the same as they were last week or last year. This is a time to take a deep breath, and evaluate not just how we are preparing students to be lawyers, but how we are maximizing our impact in the services that we deliver."

In his keynote address, Professor Michael Millemann detailed the different ways the Clinical Law Program at the School of Law has grown and changed over 35 years. But the overarching concern, he said, is to continue to teach and mentor students, even as alumni. "We all are special trustees of the students' idealism," he said. "We recruit students because they are idealistic. When they get here, we should nurture that idealism. When they graduate, we have to continue to support it."

—Gynene Sullivan

Human Rights Progress, Abuse Take Center Stage at UDHR 60th Anniversary

By Jeff Raymond

THE UNIVERSAL DECLARATION of Human Rights (UDHR) remains an important, guiding model for governments and people around the world, but 60 years after its adoption by the United Nations, constant political will and effort are still required to see the document's high-minded promises turn into real protections.

That message was among those aired at the School of Law's three-day symposium from Oct. 23-25 marking the 60th anniversary of the declaration's signing. More than three dozen speakers and moderators, including Arthur Chaskalson, former Chief Justice of South Africa and President of the Constitutional Court, addressed the challenges posed to the document's ideal's by worldwide poverty, hunger, poor health, and persecution.

Former President of Ireland and U.N. High Commissioner for Human Rights Mary



Justice Chaskalson (right) and Former President of Ireland and U.N High Commissioner for Human Rights Mary Robinson.

Robinson delivered the keynote. "Sixty years on, there is a woeful global failure to secure access to justice and basic rights like food, health, and safety for a majority of humans. The law doesn't work for about 4 billion people in our world," said Robinson. Visit www.law.umaryland.edu/humanrights2008 for more information.

Career Survey Sparks “Call to Action”

Lynne Battaglia '74 describes it as a “conundrum” that dictates career choices for female lawyers: When law firms base evaluations on billable hours rather than on quality of work, women can sometimes be at a disadvantage, says the Maryland Court of Appeals Judge.

Wendy Butler Curtis '98, a special counsel in litigation at Orrick's Washington office, wonders why women, who “were disproportionately ahead in the class” at law school, later comprise just 20 percent of partners in law firms.

Both issues were discussed at a roundtable that Battaglia and Curtis attended in December at the Law School. The discussion was an outgrowth of a career satisfaction study, undertaken by professors Jana Singer and Paula Monopoli and supported by the Law School's Office of Institutional Advancement and Career Development Office.

The professors surveyed UMLaw graduates going back to the Class of 1977. The ultimate aim for their work: to chart a plan of action for improving women's experiences in the legal profession.

Singer and Monopoli queried more than 600 alumni in their Fall 2008 survey. “We were interested in alums in general, but we wanted to know if the experiences of women in the workplace were different, and if they were making different choices in their careers,” says Monopoli, founding director of the Women, Leadership & Equality (WLE) program. The questions aimed to reveal differences in career choices, and overall satisfaction with life and work.

“WOMEN DON'T FEEL they are getting (paid) what they deserve.”

—Professor Paula Monopoli

SOME KEY FINDINGS

Although men and women are equally likely to begin their careers at law firms, they are not equally likely to stay there:

- 47% of women began careers at private firms; 29% remain
- 50% of men began careers at private firms; 40% remain
- 40% of women are employed by government
- 25% of men are employed by government



Panelists for the April 24 discussion “Strategies That Work: Innovation and Experience from the Field” were (l-r): Laura L. Johnson of Gordon, Feinblatt, Rothman, Hoffberger & Hollander; Heidi Hansan of Miles & Stockbridge; Valerie Granfield Roush of Sodexo, Inc.; and Karen Popp of Sidley Austin.

The most gratifying finding, Monopoli says, “is that our graduates—both men and women—are generally happy.” But the survey showed that there are still great disparities in career advancement among men and women, and also in their priorities. The women surveyed, for

example, were significantly more likely than men to identify flexibility in the workplace, and work-family balance, as important to their career satisfaction.

One outcome of the study, says Singer, may be better guidance for employers when it comes to retention.

This is an important issue for law firms, which incur high costs replacing employees who leave. Toward that end, the professors shared preliminary findings in a workshop last April for area law firms that are committed to better retaining and advancing female lawyers. “We [aimed] to offer suggestions about what will make lawyers want to stay,” Singer says, such as offering opportunities for flexible schedules, without stigmatizing that choice.

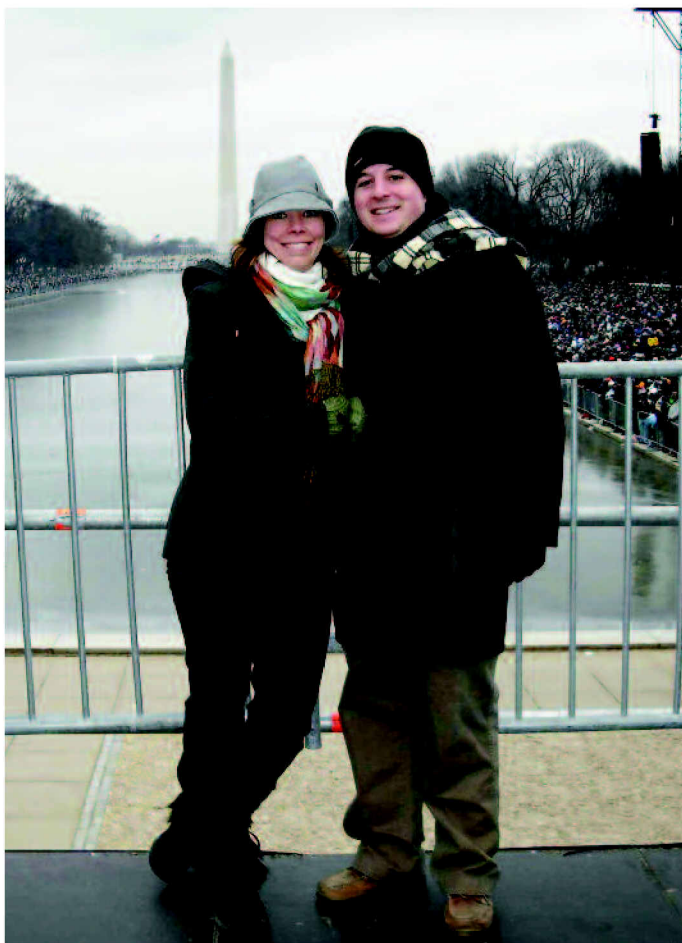
Monopoli adds that compensation is also an important issue.

“Men measure success by the amount of compensation they receive. Women are less likely to say compensation is most important to them, but they did say they were concerned with being appropriately compensated,” says Monopoli. “There’s a feeling out there that women don’t feel they are getting what they deserve. That, to me, is an important finding for employers.” That to me is an important finding—for employers, she says.

Wendy Curtis says the research “is a call to action. It captures the realities that we all experience, but it’s nice to see it in writing. That way, we can go back to our own workplaces and institute change.”

Monopoli and Singer will present their final report this fall.

—Martha Thomas



Joined in Commitment to Public Service

The inauguration of Barak Obama provided an inspiring backdrop for third-year student Bill Ferguson

“What we’re doing
is high level policy
reform.” —Bill Ferguson

For Bill Ferguson, a second-year law student committed to improving public education, the inauguration of Barack Obama last winter seemed the perfect setting for proposing marriage to his girlfriend, Lea Smith. After all, the two had met when they were both teaching in Baltimore as part of the Teach for America program. They’d deepened their commitment to the community—and to each other—by volunteering for the Obama campaign, spending election day on a flatbed truck in Philadelphia, assisting and entertaining voters.

So when Ferguson heard about an essay contest sponsored by the Presidential Inaugural Committee, which offered “Tickets to History” for 10 supporters who could explain what the inauguration of Barack Obama meant to them, he jumped at the chance to enter. “I wrote about why we work in education, how the inauguration symbolized such an important shift in the United States,” Ferguson says. He also promised to pop the question at the inauguration.

That did the trick. Three days before the big event, Ferguson learned that he and Smith were invited to attend the inauguration, and many of the surrounding VIP events. The couple’s magical moment came just after Obama finished his inaugural address, when Ferguson dropped to one knee and made his proposal. Through tears, Smith said yes.

As spring slipped in to summer, and the couple’s August 15 wedding date fast approached, Ferguson balanced his wedding preparation plans with his law school studies and his work as a graduate intern for Baltimore City Schools CEO Andres Alonso. In that role, which he’s held for two years, Ferguson has worked directly with Alonso in reorganizing the central office as funding is decentralized.

“What we’re doing is high level policy reform,” Ferguson explains. “During my first year, the focus was on ‘fair student funding’—shifting money from the central office to the schools, so that they can make decisions about how to spend it.” In year two, he says, efforts broadened to include restructuring—including layoffs—of the central office.

Fiancee Smith has worked just down the hall, as special assistant to Alonso’s chief of staff Tisha Edwards ’01. Ferguson says he’s been inspired in his work because both Alonso and Edwards are lawyers. “I think I connect with them,” he says. “There’s a way that law school teaches you to think, to approach things from every angle, to attack a policy from each stakeholder’s viewpoint.”

For Ferguson, who was also selected this spring to the prestigious *Maryland Law Review*, the work with CEO Alonso wasn’t the only thing that kept him busy. Just days after returning from the Inauguration, he and Smith learned of a proposed state budget cut to city schools. “We decided to do something about trying to restore the budget for our kids in Baltimore City and we saw our opportunity to deliver our own message of hope and our ability to contribute,” he says. The couple launched “Maryland Ed Equity,” and ultimately hand carried 75 letters, signed by TFA teachers, to Annapolis to present to the Governor.

“Without my experiences with TFA, the law school, the election of President Obama, proposing to Lea, and our experiences at the inauguration, we would never have had the courage or insight to start ‘Maryland Ed Equity,’” says Ferguson. “My take away message from all of these wonderful events is that you can’t just wait for change to happen, you have to make change happen.”

—Martha Thomas, with Bryan Pugh